

REMARKS

Favorable reconsideration of the subject application is respectfully requested in view of the following remarks. Claims 6 and 81-89 are pending. Applicants thank the Examiner for noting that claims 6, 86, 88, and 89 are allowed. Applicants also thank the Examiner for noting that claims 6, 86, and 88-89 are free of the prior art. With the above amendment, claims 83, 85 and 87 have been canceled. Accordingly, claims 6, 81, 82, 84, 86, and 88-89 are under consideration. Claims 81, 82, and 84 have been amended to remove dependency to canceled claims. Claims 6 and 86 have been amended to incorporate recitation of "the complement" of SEQ ID NO:474. Support for the amendments can be found throughout the application as filed, in particular, at page 2, lines 20-23 and page 31, lines 11-13. It should be noted that the above amendments are made without prejudice to prosecution of any or all subject matter modified and/or removed by this amendment in a related divisional, continuation and/or continuation-in-part application. No new matter has been added.

Claims Rejected Under 35 U.S.C. § 112, first paragraph

The Examiner indicates that claims 81-85, and 87 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. for the reasons of record set forth in the Office Action mailed December 16, 2002. In particular, the Action contends that the claimed oligonucleotides and polynucleotides that hybridize to the sequence recited in SEQ ID NO:474 under moderately stringent conditions are not limited to those sequences that are useful in detecting breast cancer. The Action further alleges that the specification does not specifically describe the hybridization conditions in such clear and concise terms that the skilled artisan would unequivocally know which hybridization conditions would be useful to produce the oligonucleotides of the present invention. Additionally, the Action contends that the scope of claim 85 encompasses polynucleotides of undefined length due to the recitation of "a sequence".

Applicants respectfully traverse the rejection and submit that the skilled artisan would readily understand which hybridization conditions would be useful to produce the oligonucleotides and polynucleotides of the claimed invention, particularly in light of the description provided in the specification as filed. Nevertheless, solely to advance prosecution, Applicants have canceled claims 83, 85, and 87 without prejudice and have amended claims 6 and 86 to include the recitation "the complement" of SEQ ID NO:474. Applicants thank the Examiner for indicating during the telephone conversation of August 19, 2003, that these amendments would be acceptable. Applicants submit that the amended claims satisfy the written description requirement under 35 U.S.C. § 112, first paragraph and respectfully request reconsideration and withdrawal of the rejection.

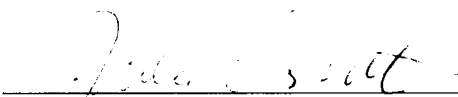
The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Applicants respectfully submit that all of the claims remaining in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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